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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,526	12/13/2004	Jean Sauniere	0509-1082	7122

466 7590 12/29/2006  
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ARLINGTON, VA 22202

EXAMINER
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GRAY, LINDA LAMEY

ART UNIT	PAPER NUMBER
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1734

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

**Application No.**

10/517,526

**Applicant(s)**

SAUNIÈRE, JEAN

**Examiner**

Linda L. Gray

**Art Unit**

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 October 2006 and 13 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 42-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 42-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**Detailed Action**

**Claim Rejections - 35 USC § 112**

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claim 46 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**Claim 46**, the phrase "of this type" renders the claim indefinite because it is unclear what materials are encompassed by "of this type".

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 42-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klemm (US 4,191,743) in view of Voelker (US 3,179,317).**

**Claim 42**, Klemm teaches a method for making an article (wound dressing) including at least one piece of sheet-form melamine foam c or d having a thickness of 0.5-10 mm (foam c) or 0.3-2 mm (foam d) which is sufficiently small to exhibit flexibility

and no flexural-elasticity (see pending specification at p 6, L 21, to p 7, L 10; Klemm at c 3, L 60, to c 5, L 39).

***Claim 42***, Klemm is silent as to how foam c or d is provided, i.e., cutting a block by peeling into a strip used to provide foam c.

Voelker teaches a method including cutting continuous foam block 11 by peeling into strip 15 used to provide foam for different purposes (c 1, L 1-71) where the method allows one to cut block 11 rather quickly.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Klemm a method as taught by Voelker to provided foam c by cutting a block by peeling into a strip used to provide foam c because Voelker teaches that such a method allows one to cut foam blocks rather quickly and Klemm does not restrict one in terms of how to provide foam c.

**Claims 43, 46-47, and 51**, the article has two opposing main free faces with one of the main free faces being of melamine (i.e., layer c or d) (scouring free face). There is provided reinforcing layer a, or a with another melamine layer (**claim 47**), or another melamine layer or layers (**claim 47**) as another face, or layer b. **Claim 48**, reinforcing layer a is made of a material different from melamine foam. Layer a is rubber which has a tear strength higher than that of melamine foam. **Claim 50** and also **claim 51**, the article has at least one reinforcing layer d or c made for an absorbent material of melamine. **Claim 52**, Figure 5 demonstrates opposing main free faces which are melamine foam (scouring free faces) layers d and d having reinforcing layer c therebetween.

***Claims 56-57***, Klemm teaches layer b is a mesh of treads which are a synthetic resin or other material but does not teach layer b of a mesh of the materials claimed.

Layer b of Klemm holds the antibiotic layer and the materials claimed are conventional in the wound dressing art are materials for such a layer, and it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Klemm using these materials in stead because it is obvious to replace one mesh material with another art recognized alternative mesh material.

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**Claims 44-45**, in Klemm in view of Voelker foam c from the strip is 0.5-10 mm and foam d from the strip of 0.3-2 mm which overlap the claimed range of less than or equal to 1 mm and which teach approximately 0.8 mm.

**Claim 49**, the article includes at least one main free face which is an absorbent free face formed in part by at least one piece of absorbent material in that free layers c and d are melamine.

**Claims 53-54**, the article has a total thickness of less than 5 mm (see thickness values in column 4 for layers a, b, c, and d).

**Claim 57**, Klemm teaches that at least a portion of the thickness of the article is impregnated with a softened fluid composition before being packaged (c 4, L 39-46) in that a layer b of mesh is impregnated with a softened material during formation of the article, i.e., pre packaging (c 6, L 21-29). **Claims 58-59**, the composition is a bactericidal disinfectant antiseptic (c 1, L 55, to c 4, L 8).

**Claim 60**, a solid composition capable of dissolving in the presence of a liquid so as to be able to release an active agent is incorporated into at least a portion of the thickness of the article (c 3, L 31-41).

**Claim 61**, the article is wrapped (c 4, L 39-46).

**Claim 62**, layers a, b, c, and/or d are laminated by means of an intermediate heat-activable adhesive film in outer surface of layers a, c, and d are melted to bond thus acting a heat-activable adhesive film.

### **Conclusion**

**5.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Gray whose telephone number is (571) 272-1228. The examiner can normally be reached Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla, can be reached at (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public Pair. Status information for unpublished applications is available through Private PAIR only. For more information

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about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-1997 (toll-free).

llg  
December 19, 2006



LINDA GRAY  
PRIMARY EXAMINER